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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/963,729	09/26/2001	Daniel Travis Lay	10015107-1	9305

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EXAMINER

DAVIS, GEORGE B

ART UNIT	PAPER NUMBER
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2121

DATE MAILED: 05/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/963729

Applicant(s)

Daniel T. Lay

Examiner

George Davis

Group Art Unit

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—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE Three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☐ Responsive to communication(s) filed on _____.
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-19 is/are pending in the application.
- ☐ Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-19 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
 - ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
 - ☐ received in Application No. (Series Code/Serial Number) _____.
 - ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

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DETAILED ACTION

Claim Objections

1. Claims 12-17 are objected to because of the following informalities: Claim 12, line 2, after "device;" insert -- and --. Appropriate correction is required.

Claim Rejections - 35 U.S.C. § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1, 2, 4, 5, 7, 8 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Morimoto et al, Patent Application Publication US 2002/0035467 A1.

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As per claim 1, Morimoto discloses detecting insertion of a disk within the disk drive (figure 3, devices 3b and 101-103 and page 3, paragraph 0053, last two lines), reading contents of the disk (figure 3, devices 3b and 101-103 and page 3, paragraph 0053, last two lines) and storing a copy of the disk contents in a designated location within memory as a back-up version (page 3, paragraph 0053, last two lines).

As per claim 2, Morimoto discloses storing a new version of data in the designated location when user stores a new version of data on the disk (figure 3, devices 3b and 101-103 and page 3, paragraph 0053, last two lines).

As per claim 4, Morimoto discloses a processing device (figure 3, device 101), a disk drive (figure 3, device 3b) and memory including a disk back-up controller that is configured to store a copy of contents of a disk inserted into the disk drive in a designated location within memory (figure 3, devices 3b and 101-103 and page 3, paragraph 0053, last two lines).

As per claim 5, Morimoto discloses store a new version of data in the designated location when user stores a new version of data on the disk (figure 3, devices 3b and 101-103 and page 3, paragraph 0053, last two lines).

As per claim 7, Morimoto discloses the disk drive comprises a floppy disk drive (figure 3, device 3b).

As per claim 8, Morimoto discloses a computer device is one of a personal computer, a Macintosh computer, and a notebook computer (paragraphs 0047 and 0048).

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3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 9, 12, 13 and 16-19 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Arons et al, U.S. Pat. No. 6529920 B1.

As per claim 9, Arons discloses detecting a shut down procedure of the computer device (column 11, lines 30-33) and transmitting an ejection command to the disk drive to cause an ejection mechanism of the disk drive to actuate to eject a floppy disk inserted within the disk drive (column 11, lines 30-33).

As per claim 12, Arons discloses a processing device (figure 6), a disk drive, the disk drive including an ejection mechanism is configured to actuate to automatically eject a disk contained within the disk drive during shut down procedure of the computer device (column 11, lines 30-33).

As per claim 13, Arons discloses memory including a disk ejection controller configured to transmit an ejection command to the disk drive when a shut down procedure is detected (figures 5 and 6 and column 11, lines 30-33).

As per claim 16, Arons discloses the disk drive comprises a floppy disk drive (figures 5 and 6 and column 11, lines 30-33).

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As per claim 17, Arons discloses a personal computer (figures 5 and 6).

As per claim 18, Arons discloses an ejection mechanism configured to automatically eject a disk contained within the disk drive during shut down procedure of the computer device (column 11, lines 30-33).

As per claim 19, Arons discloses electromechanical components that actuate upon application of an appropriate actuation voltage (figures 5 and 6).

Claim Rejections - 35 U.S.C. § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morimoto et al, Pat. Application Publication US 2002/0035467 A1 in view of Arons et al, U.S. Pat. No. 6529920 B1.

As per claims 3 and 6, Morimoto does not teach automatically ejecting the disk during a shut down procedure of the computer device. However, Arons teaches automatically ejecting the disk during a shut down procedure of the computer device (column 11, lines 30-33). It would

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have been obvious to one of ordinary skill in the art at the time the invention was made by Arons to automatically ejecting the disk during a shut down process in order to avoid the trouble of booting the computer of Morimoto when the disk is left inside the disk drive which leads to shorten the time of rebooting of Morimoto's computer.

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 10, 11 and 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arons et al, U.S. Pat. No. 6529920 B1 in view of Morimoto et al, Pat. Application Publication US 2002/0035467 A1.

As per claim 10, Arons does not teach in detail detecting insertion of a disk within the disk drive and storing a copy of the disk contents in a designated location within memory as a back-up version. However, Morimoto teaches detecting insertion of a disk within the disk drive (figure 3, devices 3b and 101-103 and page 3, paragraph 0053, last two lines) and storing a copy of the disk contents in a designated location within memory as a back-up version (page 3, paragraph 0053, last two lines). It would have been obvious to one of ordinary skill in the art at

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the time the invention was made to have a back-up version of the disk in order to protect the data stored on the disk.

As per claim 11, Arons does not teach in detail a new version of data in the designated location when user stores a new version of data on the disk. However, Morimoto teaches a new version of data in the designated location when user stores a new version of data on the disk (figure 3, devices 3b and 101-103 and page 3, paragraph 0053, last two lines). It would have been obvious to one of ordinary skill in the art at the time the invention was made to update the data stored in a designated location for better adaptivity in order to comply with the modern practice of technology.

As per claim 14, Arons does not teach in detail memory including a disk back-up controller that is configured to store a copy of contents of a disk inserted into the disk drive in a designated location within memory. However, Morimoto teaches memory including a disk back-up controller that is configured to store a copy of contents of a disk inserted into the disk drive in a designated location within memory (figure 3, devices 3b and 101-103 and page 3, paragraph 0053, last two lines). It would have been obvious to one of ordinary skill in the art at the time the invention was made to update the data stored in a designated location for better adaptivity in order to comply with the modern practice of technology.

As per claim 15, Arons does not teach in detail store a new version of data in the designated location when user stores a new version of data on the disk. However, Morimoto

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teaches store a new version of data in the designated location when user stores a new version of data on the disk (figure 3, devices 3b and 101-103 and page 3, paragraph 0053, last two lines). It would have been obvious to one of ordinary skill in the art at the time the invention was made to update the data stored in a designated location for better adaptivity in order to comply with the modern practice of technology.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to George Davis whose telephone number is (703) 305-3891. The examiner can normally be reached on Monday through Thursday from 8:00 am to 6:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight, can be reached on (703) 308-3179. The fax phone number for the organization where this application or proceeding is assigned is (703) 746-7240.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

May 16, 2004

A handwritten signature in black ink, appearing to read 'GEORGE B. DAVIS', with a large, stylized loop at the end.

GEORGE B. DAVIS

PRIMARY PATENT EXAMINER